

June 23 2010

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CLERK OF THE SUPREME COURT
STATE OF MONTANA

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Attorneys for Defendant and Appellant

FILED

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IN THE SUPREME COURT OF THE STATE OF MONTANA

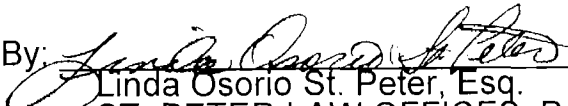
Michelle Kulstad,
Plaintiff and Appellee,
v.
Barbara L. Maniaci,
Defendant and Appellant.

Cause No. DA 10-0205

**MOTION FOR LEAVE TO FILE A
BRIEF IN EXCESS OF WORD LIMIT**

COMES NOW Defendant and Appellant, by and through her attorneys of record, and moves this Court to grant her leave to file a brief in excess of 10,000 words. The issues involved in the above-referenced cause cannot be properly addressed within the limitations of Montana Rules of Appellate Procedure Rule 11(4)(a). All reasons for granting this motion are set forth in the attached affidavit in support.

DATED this 21st day of June, 2010.

1
2
3 By: 
4 Linda Osorio St. Peter, Esq.
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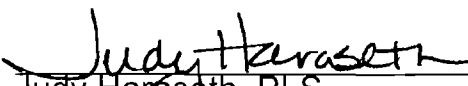
19 CERTIFICATE OF SERVICE

20 I hereby certify that on the 21st day of June, 2010, I delivered a true and
21 correct copy of the foregoing, via U.S. First Class Mail, to:

22 Elizabeth L. Griffing, Esq.
23 ACLU of Montana Foundation
24 P.O. Box 9138
25 Missoula, MT 59807

26 Susan G. Ridgeway, Esq.
P.O. Box 8242
Missoula, MT 59807-8242

Michael G. Alterowitz, Esq.
327 West Pine Street
Missoula, MT 59802

27 
28 Judy Haraseth, PLS

**AFFIDAVIT OF LINDA OSORIO ST. PETER IN SUPPORT OF
MOTION TO FILE BRIEF IN EXCESS OF WORD LIMIT**

STATE OF MONTANA)
 : ss.
County of Missoula)

LINDA OSORIO ST. PETER, being duly sworn, deposes and says:

1. I am an attorney of record for the Appellant. I have actual knowledge of the following facts and if called to testify to them, I could, and would do so competently. This affidavit is submitted in support of Appellant's motion to file a brief in excess of word limit.

2. Appellant requests permission to file her opening brief exceeding the ten thousand (10,000) word limit, but not greater than twenty-five thousand (25,000) words.

3. Good cause exists for Appellant's request as the District Court's ruling involves a case of first impression: prohibiting parental access to minors' health records relied upon by an expert witness in his trial testimony and used to support a final parenting plan. In addition, this appeal involves multiple fundamental and constitutional issues concerning parental rights, rights of due process, right to travel, and post-trial, *ex parte*, change of expert witness testimony. Consequently, it is necessary to file a brief in excess of the word limitations.


4 Appellant will make every effort to make the brief as concise as is

possible. However, based on Appellant's briefs already filed herein, it is clear that the complexity of the issues under review by this Court will require an analysis of more than ten thousand (10,000) words.

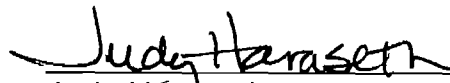
5. I have contacted opposing counsel in this appeal and he has no objection to this motion.

6. Based upon these reasons, Appellant respectfully requests that the Court grant this motion to file a brief in excess of ten thousand (10,000) words, but not greater than twenty-five thousand (25,000) words.

I swear under penalty of perjury that the foregoing is true and correct.


LINDA OSORIO ST. PETER

SUBSCRIBED AND SWORN TO BEFORE me this 21st day of June, 2010.


Judy Haraseth
Notary Public for the State of Montana
Residing in Stevensville, Montana
My Commission Expires 07/21/2013



JUDY HARASETH
NOTARY PUBLIC - MONTANA
Residing in Stevensville, Montana
My Commission Expires Jul. 21, 2013